

SCHNEIDER MILLER REYNOLDS, P.C.
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RICHARDSON, TEXAS 75080

EXHIBIT

A

David B. Miller
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July 1, 2025

VIA EMAIL turner.falk@saul.com

Turner N. Falk

Re: Case 24-03028-swe; *Areya Holder Aurzada, Chapter 7 Trustee for the Bankruptcy Estate of Dennis James Rogers II v. Funderz.net, LLC* in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division

Dear Turner:

I have attached Plaintiff's First Request for Production. It is always my preference to discuss any issues prior to the response date. In that spirit, let's work to resolve issues ahead of time.

Please provide us with deposition dates between August 4 and 21 for a corporate representative of Funderz and Joseph Isaacoff, individually. The topics for the corporate representative will include:

1. Any affirmative defenses or other defenses of Funderz to the allegations in the above-referenced lawsuit;
2. Funderz' factual responses to the claims and allegations of the lawsuit;
3. Communications between Funderz and Dennis Rogers, the Rogers' controlled entities, or anyone else acting on behalf of Rogers;
4. The terms and documentation of the transaction between Funderz and OMTC at issue in the lawsuit;
5. Money or other assets transferred to OMTC, Dennis Rogers or any other Rogers' controlled entity;
6. Money or assets received from OMTC, Dennis Rogers or any other Rogers' controlled entity. Specifically, we need all of the background and calculation of the \$11.5 million Funderz claims to have received;
7. Due diligence conducted by Funderz at any time related to the transaction between Funderz, OMTC, and Rogers at issue in the lawsuit including, but not limited to, any investigative report, applications or background information supplied by Rogers and/or OMTC, public records gathered and documents created;

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8. Documents obtained by Funderz from Dennis Rogers or any other Rogers' controlled entity;
9. The subsequent transfers of any money or assets received from OMTC, Dennis Rogers or any other Rogers' controlled entity;
10. The facts alleged by Funderz in Cause No. DC-20-01897; *Funderz.net LLC v. OMTC, Inc. and Dennis James Rogers, II* in the 191st District Court of Dallas County, Texas including, but not limited to, the facts alleged in paragraphs 19-24 of the Third Amended Petition;
11. The corporate structure of Funderz including, but not limited to, any alter egos, successor entities, d/b/a's, officers, members, partners, subsidiaries, and owners;
12. The corporate records of Funderz including, but not limited to, minutes, resolutions, ownership, compliance with state registration requirements, and documents showing the status, dissolution or inactivity in the last 5 years; and
13. The factual allegations, claims, responses and settlement in the Lateral Recovery v. Funderz et al suit in the Southern District of New York.

Naturally, Funderz will be defined to include at least alter egos, successors and d/b/a's. If we intend to add topics or deponents, we will do so as soon as possible.

Very truly yours,

/s/ David B. Miller

David B. Miller

DBM:kay

Attachment

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE: § **CASE NO. 22-30500-swe7**
DENNIS JAMES ROGERS II, §
Debtor. § **CHAPTER 7**

AREYA HOLDER AURZADA, §
CHAPTER 7 TRUSTEE FOR THE §
BANKRUPTCY ESTATE OF §
DENNIS JAMES ROGERS II §
Plaintiff, §
v. § **Adversary No. 24-03028**
FUNDERZ.NET, LLC, §
Defendant. §

**PLAINTIFF AREYA HOLDER AURZADA, CHAPTER 7 TRUSTEE FOR THE
BANKRUPTCY ESTATE OF DENNIS JAMES ROGERS II'S, FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO DEFENDANT FUNDERZ.NET, LLC**

TO: Defendant Funderz.net, LLC, by and through its counsel of record, Turner N. Falk, Saul Ewing LLP, Centre Square West, 1500 Market Street, 38th Floor, Philadelphia, PA 19102-2186 and Carmen Contreras-Martinez, Saul Ewing LLP, 701 Brickell Avenue, 17th Floor, Miami, FL 33131.

Pursuant to Rule 34 of the Federal Rules of Civil Procedure or other applicable law, Plaintiff Areya Holder Aurzada, Chapter 7 Trustee for the Bankruptcy Estate of Dennis James Rogers II, hereby serves this First Request for Production of Documents upon Defendant Funderz.net, LLC. Plaintiff directs the Defendant to provide a written response to the following requests and produce for inspection and copying the documents and things requested herein, within thirty days after the date of service hereof, at the offices of Schneider Miller Reynolds, P.C., 300 N. Coit Road, Suite 1125, Richardson, Texas 75080.

Definitions

1. “Document” shall have the broadest meaning accorded to it under Rule 34 of the Federal Rules of Civil Procedure and shall include, without limitation, all writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained.
2. “Communication” means any transmission of information by any means, including but not limited to, written, oral, or electronic transmission.
3. “Fraudulent Transfer” refers to any transfer of assets or property made by Defendant Funderz.net that is alleged to be fraudulent under the claims of actual or constructive fraud as set forth in the Complaint.
4. “You” or “Your” or “Funderz” refers to Defendant Funderz.net, LLC, including its d/b/a’s, subsidiaries, successor entities including, but not limited to HOP Capital, LLC, agents, owners, members, employees, representatives, and any other person acting or purporting to act on its behalf.
5. “Lawsuit” means and refers to Case No. 24-03028; *Areya Holder Aurzada, Chapter 7 Trustee for the Bankruptcy Estate of Dennis James Rogers II v. Funderz.net, LLC* in the United States Bankruptcy Court for the Northern District of Texas Dallas Division.
6. “Rogers’ Controlled Entities” means and refers to Organ Mountain Energy, LLC; OMTC, Inc.; Nomad Development, LLC; Bootstrap Ventures, LLC, and Push Start Industries, LLC.

Requests for Production

1. All documents and communications relating to any transfer of assets or property or cash by Defendant Funderz to Dennis Rogers and/or any of the Dennis Rogers' Controlled Entities as alleged in the Lawsuit.

RESPONSE:

2. All documents and communications relating to any receipt of assets or property or cash by Defendant Funderz from Dennis Rogers and/or any of the Dennis Rogers' Controlled Entities as alleged in the Lawsuit.

RESPONSE:

3. All documents and communications relating to any receipt of assets or property or cash by Defendant Funderz from Dennis Rogers and/or any of the Dennis Rogers' Controlled Entities as alleged in Cause No. DC-20-01897; *Funderz.net LLC v. OMTC, Inc. and Dennis James Rogers, II* in the 191st District Court of Dallas County, Texas.

RESPONSE:

4. All text messages and e-mails sent or received by Defendant Funderz that relate to the alleged fraudulent transfers, including any discussions of the purpose, timing, or method of such transfers to and from Dennis Rogers and the Rogers' Controlled Entities.

RESPONSE:

5. All financial records of Defendant Funderz, including bank statements, wire transfers, ledgers, and accounting records of any kind, that relate to or reflect any transfer of assets or property alleged by Plaintiff to be fraudulent.

RESPONSE:

6. All documents obtained, prepared by, or prepared for Defendant Funderz concerning the alleged fraudulent transfers, including any internal memoranda, analysis or assessment of the impact of such transfers on Defendant's financial condition, any investigative report, applications, public records gathered or documents obtained from Rogers or Rogers' Controlled Entity.

RESPONSE:

7. All correspondence between Defendant Funderz and any third parties including but not limited to, financial institutions, advisors, or consultants regarding the alleged fraudulent transfers or any of the allegations or claims in the Lawsuit.

RESPONSE:

8. All agreements or contracts related to the transfer of assets or property that Plaintiff alleges to be fraudulent, including any amendments, modifications, or side agreements.

RESPONSE:

9. All board meeting minutes or resolutions of Defendant Funderz that discuss or authorize any transfer of assets or property alleged to be fraudulent.

RESPONSE:

10. All documents evidencing any consideration received by Defendant Funderz from Dennis Rogers or any of the Rogers' Controlled Entities in exchange for the alleged fraudulent transfers including, but not limited to, documents evidencing or relating to the \$11.5 million Funderz identifies in its Third Amended Petition in Cause No. DC-20-01897; *Funderz.net LLC v. OMTC, Inc. and Dennis James Rogers, II* in the 191st District Court of Dallas County, Texas.

RESPONSE:

11. All communications with any regulatory or governmental body concerning the alleged fraudulent transfers.

RESPONSE:

12. All documents that Defendant Funderz intends to rely upon in its defense against the claims of fraudulent transfer.

RESPONSE:

13. All bank statements showing the transfer of funds from Dennis Rogers and/or Rogers' Controlled Entities to Funderz and any subsequent transfer by Funderz of those funds to Defendant and what happened to those funds following transfer to the Defendant.

RESPONSE:

14. All documents obtained in discovery from Defendants in the Cause No. DC-20-01897; *Funderz.net LLC v. OMTC, Inc. and Dennis James Rogers, II* in the 191st District Court of Dallas County, Texas.

RESPONSE:

15. Documents reflecting the terms of the settlement agreement in Case No. 1:22-cv-02170-LJL; *Lateral Recovery LLC, Benchmark Builders, Inc., FTE Networks, Inc., JUS-COM LLC, and Focus Wireless, LLC v. Funderz.net, LLC d/b/a Hop Capital and d/b/a Business Merchant Funding, Joseph Yitzchakov a.k.a. Joseph Isaacov, Gavriel Yitzchakov a.k.a. Gabe Isaacov, and John and Jane Doe Investors* in the United State District Court for the Southern District of New York.

RESPONSE:

Dated: July 1, 2025

Respectfully submitted,

By: /s/ David B. Miller

David B. Miller

Texas Bar No. 00788057

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and

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Special Counsel for the Trustee

CERTIFICATE OF SERVICE

I certify that on July 1, 2025, I caused a copy of the foregoing document to be served via electronic mail to the counsel listed below:

Funderz.Net, LLC
c/o Carmen Contreras-Martinez
SAUL EWING LLP
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Counsel to Funderz.Net, LLC

/s/ David B. Miller

David B. Miller